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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,760	08/30/2001	Philip J. Ireland	M4065.0143/P143-A	7179
24998	7590	05/03/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			DUDA, KATHLEEN	
2101 L STREET NW			ART UNIT	
WASHINGTON, DC 20037-1526			PAPER NUMBER	

1756

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/941,760

Applicant(s)

IRELAND ET AL.

Examiner

Kathleen Duda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32, 34, 36-48, 50, 51 and 58-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32, 34, 36-48, 50, 51 and 58-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 32, 34, 36-48, 50, 51 and 58-62 are pending in this application. Claims 33, 35, 49 and 52-57 have been cancelled.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 32, 34, 36-38 and 58-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Blatchford (US Patent 6,200,734).

For the discussion of this rejection see paper number 10, paragraph 6.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

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whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatchford.

For the discussion of this rejection see paper number 10, paragraph 11.

6. Claims 40-45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US Patent 6,255,151).

For the discussion of this rejection see paper number 10, paragraph 13.

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatchford in view of Fukuda as applied to claim 45 above, and further in view of Chen (US Patent 6,140,179).

For the discussion of this rejection see paper number 10, paragraph 15.

8. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatchford in view of Kim (US Patent 6,258,691) and Fukuda.

For the discussion of this rejection see paper number 10, paragraph 17.

9. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatchford in view of Fukuda and Podlesny (US Patent 5,724,299).

For the discussion of this rejection see paper number 10, paragraph 19.

***Response to Amendment***

10. It is the Examiner's position that the antireflective coatings 13 and 14 of Blatchford correspond to the first and second antireflective coatings (ARCs) of the claimed process. Applicant argues that if that is so then Blatchford does not teach "all sources of reflected radiation which reside at or below the second interface substantially mutually cancel when combined" and that Blatchford addresses a different function. It is the Examiner's position that the two ARCs will function in the same manner as the claimed process. The purpose of the ARCs is to lead to cancellation of the reflected radiation so that the radiation does not stray into the overlying layers and cause spurious irradiation which would lead to an unintended irradiation.

The rejection of claims 32, 34 and 60-62 made in paragraphs 7 and 8 of paper number 10 have been overcome by the amendment to the claims

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reciting that the ARCs are in contact with one another. The ARCs in Ohta are separated by other layers.

In regards to the 35 USC 103 rejections using combined references, Applicant argues that the combinations are improper and the references do not teach all components of the claimed process. The prior art used in the rejections all teach devices such as those claimed. It would have been obvious to one of ordinary skill in the art to have looked at the prior art for the electrical devices for the claimed process.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication should be directed to Examiner K. Duda at (571) 272-1383. Official FAX communications should be sent to (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff, can be reached at 571-272-1385.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kathleen Duda  
Primary Examiner  
Art Unit 1756